

REMARKS

Claims 1, 2 and 30 are amended. Claims 3-11 and 13-29 are canceled. Claim 36 is added. Support for the Amendment is found, for example, in the original claims and pages 30-33 of the specification. No new matter is presented.

Accordingly, upon entry of the Amendment, claims 1-2, 12 and 30-36 will be all of the claims pending in the application.

I. Election/Restriction

Applicants affirm the election to prosecute Group I, claims 1-17, 22, 25 and 30-35, without traverse.

II. Response to Claim Rejections – 35 U.S.C. § 102

A. Sato et al (US 6,638,702)

Claims 1-17, 22, 25, 29 and 30-35 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sato et al (US 6,638,702).

Applicants respectfully submit that Sato et al '702 does not teach or suggest all elements of the presently claimed invention.

Claim 1 is amended herein to recite a silver halide emulsion comprising a silver halide grain containing at least two metal complexes each giving an average electron releasing time of 10^{-5} to 3 seconds, wherein among said at least two metal complexes, at least one metal complex gives an average electron releasing time of 10^{-2} second and at least one metal complex

gives an average electron releasing time of 10^{-2} to 3 seconds, and all of said at least two metal complexes are metal complexes each having at least two kinds of ligands, wherein two of said at least two metal complexes are a first metal complex and a second metal complex having at least three times longer average electron releasing time than that of the first metal complex, and the molar ratio of the amount of the first metal complex to that of the second metal complex is at least three times.

Sato et al '702 does not disclose, teach or suggest the presently claimed invention as recited in amended claim 1, wherein (1) among the at least two metal complexes, at least one metal complex gives an average electron releasing time of 10^{-5} to less than 10^{-2} second and at least one metal complex gives an average electron releasing time of 10^{-2} to 3 seconds; and (2) all of the at least two metal complexes are metal complexes each having at least two kinds of ligands. Thus, the presently claimed invention is not anticipated by Sato et al '702.

Accordingly, Applicants respectfully request withdrawal of the rejection.

B. Sato et al (US App. No. 10/642,583)

Claims 1-17, 22, 25, 29 and 30-35 are provisionally rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sato et al (US App. No. 10/642,583 published as US 2004/0058285 on March 25, 2004).

Applicants note that the '583 application is a divisional of the application for the '702 patent and the disclosure is the same as the disclosure of the '702 patent. Therefore, Applicants respectfully submit that the presently claimed invention is not anticipated by Sato et al '583 for the same reasons set forth above with respect to Sato et al '702.

Accordingly, Applicants respectfully request withdrawal of the rejection.

III. Response to Obviousness-Type Double Patenting Rejections

Claims 1-17, 22, 25, 29 and 30-35 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of Sato et al (US 6,638,702).

Claims 1-17, 22, 25, 29 and 30-35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over the claims of Sato et al (US App. No. 10/642,583).

Applicants respectfully submit that the presently claimed invention as recited in amended claim 1 is not an obvious variant of the subject matter of the identified claims of the '702 patent or the '583 application based on the reasons set forth above with respect to the rejections under 35 U.S.C. § 102. That is, neither one of Sato et al '702 nor Sato et al '583 teaches or suggests the presently claimed invention in the claims or disclosures thereof.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejections.

IV. Conclusion

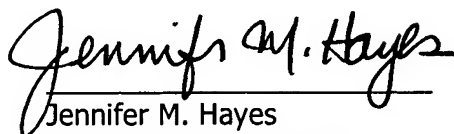
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. App. Ser. No. 10/798,415

Atty. Dckt. No. Q80443

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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